

## Message Text

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40

ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 PM-07 L-03 NSC-07 CIAE-00

DODE-00 INR-10 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01

SP-03 SAJ-01 ACDA-19 DRC-01 /098 W

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P 021705Z APR 74

FM USMISSION BERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 3199

C O N F I D E N T I A L BERLIN 0577

E.O. 11652: GDS

TAGS: PGOV, GW, GE, WB

SUBJECT: BRUECKMANN CASE

REF: BONN 5272

1. BERLIN PAPERS CARRIED SUBSTANTIALLY SAME STORIES  
ON BRUECKMANN CASE REPORTED REFTEL. WHILE MOST IGNORE  
ALLIED INVOLVEMENT, MORGENPOST SAYS GENSCHER JUDGMENT  
IS THAT APPEAL TO FEDERAL CONSTITUTIONAL COURT "IS  
'RATHER PROMISING (WOHL AUSSICHTSREICH)' IF COURT,  
CONTRARY TO OBJECTION OF THE THREE WESTERN ALLIES,  
HAS COMPETENCE."

2. CHIEF OF SENAT CHANCELLERY HERZ TOLD BRITISH POLAD  
MARCH 31 THAT IF KARLSRUHE DECIDES THAT BRUECKMANN  
EXTRADITION WOULD BE UNCONSTITUTIONAL, SENAT COULD NOT  
DISOBEY. WE SUSPECT THIS IS POLITICAL REALISM  
BUT IF PUSH COMES TO SHOVE AT  
KARLSRUHE, WE WOULD STILL REQUIRE SENAT TO DEVISE  
RETREAT THAT WOULD MAINTAIN AT LEAST PAPER CONSISTENCY  
WITH ALLIED POSITION THAT CONSTITUTIONAL COURT CANNOT  
MAKE VALID RULINGS ON BERLIN MATTERS, HERZ HIMSELF  
ACKNOWLEDGED THAT KARLSRUHE DECISION COULD NOT BE  
GIVEN DIRECT EFFECT, BUT SUGGESTED THAT PERHAPS SENAT  
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COULD DEVISE SOME LEGISLATION THAT WOULD HAVE EFFECT

OF PREVENTING GIRL'S EXTRADITION AND ALLIES COULD APPROVE  
LEGISLATION.KLEIN

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## Message Attributes

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